

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

OSVIN LEONEL CONTRERAS	:	
MADRID,	:	
	:	
<i>Plaintiff,</i>	:	CIVIL ACTION
	:	
v.	:	No. 24-5229
	:	
WALMART STORES EAST, LP, et al.,	:	
	:	
<i>Defendants.</i>	:	
_____	:	

DECLARATION OF HARRY B. GOSNEAR IN SUPPORT OF
RESPONSE TO ORDER TO SHOW CAUSE

I, Harry B. Gosnear ("Gosnear"), having personal knowledge of the facts stated herein, hereby declare under penalty of perjury that the following is true and correct.

1. I am an attorney at the law firm Simon & Simon P.C., licensed to practice law in the Commonwealth of Pennsylvania under Pennsylvania Bar number 93484.

2. I am counsel of record for Plaintiff Osvin Leonel Contreras Madrid in the instant case, *Osvin Leonel Contreras Madrid v. Walmart Stores East, LP et al.*, No. 24-CV-5229 (E.D. Pa.).

3. At the time the Complaint was filed, I believed in good faith after reasonable inquiry that the claims and legal contentions supporting the joinder of Defendant Angel Sanabria were warranted by existing law. Specifically, I believed in good faith that existing Pennsylvania law allows negligence claims to be brought against individual store manager defendants for the reasons and on the basis set forth in the Response to Show Cause Order.

4. At the time the Complaint was filed, I believed in good faith after reasonable inquiry that the factual allegations with respect to Defendant Angel Sanabria's citizenship and alleged role in the incident had evidentiary support. Specifically, I believed in good faith after reasonable inquiry that Angel Sanabria was the manager of the Walmart store located at 4600 Roosevelt Boulevard in Philadelphia at the time of Plaintiff's slip-and-fall incident on June 30, 2023, and that Angel Sanabria participated in negligent acts that caused Plaintiff's slip-and-fall incident.

5. My belief that Angel Sanabria was the manager of the Walmart store located at 4600 Roosevelt Boulevard in Philadelphia at the time of the June 30, 2023 slip-and-fall incident was based on, among other things, documents produced by Walmart in a separate litigation indicating that Angel Sanabria was the manager of the Walmart store located at 4600 Roosevelt Boulevard in Philadelphia on April 23, 2023.

6. The document attached hereto as **Exhibit A** is a true and correct copy of a Walmart Customer Incident Report that Defendant Walmart produced in another litigation involving a slip-and-fall incident at the same store, captioned *Oliva Gamble v. Wal-Mart Stores East, LP et al.*, No. 2:23-cv-04280 (E.D. Pa.). The Customer Incident Report lists the name Angel Sanabria as the "name of associate the incident was reported to and/or other associates in the area" and includes Angel Sanabria's signature dated April 23, 2023 on the line "Management Signature."

7. The document attached hereto as **Exhibit D** is a true and correct copy of a Walmart Associate Witness Statement that Defendant Walmart produced in another litigation involving a slip-and-fall incident at the same store, captioned *Oliva Gamble v. Wal-Mart Stores East, LP et al.*, No. 2:23-cv-04280 (E.D. Pa.). The Associate Witness Statement lists Angel Sanabria's title as "DEPT. MANAGER."

8. At the time the Complaint was filed, I relied on the above information in concluding that Angel Sanabria was the manager of the Walmart store located at 4600 Roosevelt Boulevard in Philadelphia.

9. At the time the Motion to Amend/Correct the Complaint was filed, I believed in good faith after reasonable inquiry that the claims and legal contentions supporting the joinder of Defendant Shanell Henry were warranted by existing law. Specifically, I believed in good faith that existing Pennsylvania law allows negligence claims to be brought against individual store manager defendants for the reasons and on the basis set forth in the Response to Show Cause Order.

10. At the time the Motion to Amend/Correct the Complaint was filed, I believed in good faith after reasonable inquiry that the factual allegations with respect to Defendant Shanell Henry's citizenship and alleged role in the incident had evidentiary support. Specifically, I believed in good faith after reasonable inquiry that Shanell Henry was the manager of the Walmart store located at 4600 Roosevelt Boulevard in Philadelphia at the time of Plaintiff's slip-and-fall incident on June 30, 2023, and that Shanell Henry participated in negligent acts that caused Plaintiff's slip-and-fall incident.

11. My belief that Shanell Henry was the manager of the Walmart store located at 4600 Roosevelt Boulevard in Philadelphia at the time of the June 30, 2023 slip-and-fall incident was based on pleadings filed by Walmart in a separate litigation and on information I discovered through investigation, indicating that Shanell Henry was the manager of a different Walmart store located on Roosevelt Boulevard in Philadelphia, which I mistakenly interpreted as the Walmart store where Plaintiff's slip-and-fall-incident occurred.

12. The document attached hereto as **Exhibit E** is a true and correct copy of an email correspondence that I had with my paralegal team on November 1, 2024. On that date, I had my Case Manager, Matthew Merkowsky, instruct my paralegal team to run an Accurint search for Angel Sanabria.

13. The document attached hereto as **Exhibit F** is a true and correct copy of an email correspondence that I had with my paralegal team on November 1, 2024. On that date, I instructed my paralegal team: "Please run Shanell Henry. I think she is the manager. I googled her. Possibly lives on Fayette Street in Phila. Zoom info indicates store manager at Walmart."

14. On or around November 1, 2024, I and my paralegal team ran searches for Shanell Henry on Accurint and Google. At that time, I misunderstood those search results to corroborate that Shanell Henry was the manager of the Walmart store located at 4600 Roosevelt Boulevard in Philadelphia. In fact, Shanell Henry was the manager of the Walmart store located at 9745 Roosevelt Boulevard in Philadelphia.

15. The document attached hereto as **Exhibit G** is a true and correct copy of the Notice of Removal filed by Walmart in a separate litigation, captioned *Hill-Greene v. Walmart Stores East, LP et al.*, No. 2:22-cv-03424 (E.D. Pa.). On page 2, paragraphs 3 and 6 of that Notice of Removal, Walmart stated that Shanell Henry was the manager of the Walmart store located at 9745 Roosevelt Boulevard in Philadelphia.

16. The document attached hereto as **Exhibit C** is a true and correct copy of the Walmart Store Directory, retrieved on March 31, 2025 from <https://www.walmart.com/store-directory/pa/philadelphia>. The directory shows that the Walmart store located at 4600 Roosevelt Boulevard (where Plaintiff's slip-and-fall occurred) is Walmart #5103 and the Walmart store

located at 9745 Roosevelt Boulevard (where Shanell Henry was the store manager) is Walmart #5130.

17. At the time the Motion to Amend/Correct the Complaint was filed, I relied on the above information in mistakenly concluding that Shanell Henry was the manager of the Walmart store located at 4600 Roosevelt Boulevard in Philadelphia.

18. The motivation and purpose of the Motion to Amend/Correct was to correct the pleadings by replacing Defendant Angel Sanabria with Defendant Shanell Henry, whom I believed in good faith at the time to be the correct manager of the Walmart located at 4600 Roosevelt Boulevard.

Dated: March 31, 2025

By: 
Harry B. Gosnear